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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,977	07/11/2003	Rolf Espe	912.001	4056
23598	7590	10/17/2005		
BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C. 250 E. WISCONSIN AVENUE SUITE 1030 MILWAUKEE, WI 53202			EXAMINER PIERCE, JEREMY R	
			ART UNIT	PAPER NUMBER
			1771	
DATE MAILED: 10/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,977

Applicant(s)

ESPE, ROLF

Examiner

Jeremy R. Pierce

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-8 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-8 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/25/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on July 25, 2005 has been entered. Claims 1, 2, 4, 6-8, 11, and 16-18 have been amended. Claims 3, 5, 9, and 10 have been cancelled. Claims 1, 2, 4, 6-8, and 11-20 are currently pending. Applicant's amendment to the independent claims obviates the 35 USC 112 indefiniteness rejections set forth in section 2 of the last Office Action. The prior art 102 and 103 rejections set forth in sections 4 and 6 of the last Office Action are also overcome because the neither Espe (US 2001/0029139) nor Douglas et al. (U.S. Patent No. 5,855,733) provide for the limitation of at least one of a warp and a weft to include a pattern of alternating types of threads having different elasticities transverse to the thread axis.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 6, 8, 11 15-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Espe (US 2001/0029139) in view of Kositzke (U.S. Patent No. 4,909,284).

Espe discloses a press pad comprising warp and weft threads wherein at least some of the threads include an elastomer material (Abstract). Espe teaches that the warp and weft threads may both comprise a thread core of a high-strength, temperature resistant yarn material, and a thread sheath of a fluoroelastomer or fluorosilicone elastomer (paragraph 38). Espe does not teach that alternating threads include two types of thread of different elasticities transverse to the thread axis. Kositzke teaches woven fabric useful in dewatering operations (column 1, lines 12-27). Kositzke discloses that varying the diameters of the weft yarns can optimize fiber support on the sheet supporting surface and abrasion resistance on the wear surface (Abstract). Kositzke shows weft fibers that alternate in diameter to achieve this purpose (Figure 3). It would have been obvious to a person having ordinary skill in the art at the time of the invention to alternate the diameter of the weft fibers in Espe in order to optimize fiber support on the sheet supporting surface and abrasion resistance on the wear surface, as taught by Kositzke. The fibers of Espe would then have alternating elasticities transverse to the thread axis created by the different sizes in diameter.

With regard to claim 2, Espe teaches polymer may be present on all fibers (paragraph 41). With regard to claims 4, 6, 8, 15, 16, and 20, Espe teaches the fibers may be bunched metal fibers (Figure 1 and paragraph 39). With regard to claims 12, 13, and 17, the core has a higher tensile strength than the sheath and is made of metal (paragraph 41). With regard to claim 18, the sheath is temperature resistant over 250 degrees Celsius (paragraph 33).

Art Unit: 1771

4. Claims 7, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Espe in view of Kositzke and further in view of Douglas et al. (U.S. Patent No. 5,855,733).

Espe does not disclose the core material to be polyamide. Douglas et al. disclose that aromatic polyamide is a useful non-metallic substitute for metal fibers in press pads (column 4, lines 41-46). It would have been obvious to a person having ordinary skill in the art at the time of the invention to use polyamide in the press pad of Espe, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 3,851,681 to Egan, EP 934,769 to Haasman, and U.S. Patent No. 4,423,755 to Thompson.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 1771

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Pierce whose telephone number is (571) 272-1479. The examiner can normally be reached on normal business hours, but works flextime hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/617,977

Page 6

Art Unit: 1771

you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

JRP

Jeremy R. Pierce
October 11, 2005

Elizabeth M. Cole
ELIZABETH M. COLE
PRIMARY EXAMINER